

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER RODRIGUEZ,

Plaintiff,

-against-

CITY OF NEW YORK, E.S.U. CAPTAIN
MOISE #1451, E.S.U. OFFICER
GALVEZVSKIY #8957, E.S.U. OFFICER
TEMIR WILLIAMS #11475, CORRECTION
OFFICER FERRARO #1805, and CAPTAIN
GIBSON;

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/10/2021

1:20-cv-09840-GHW

ORDER OF SERVICE

GREGORY H. WOODS, United States District Judge:

Plaintiff, currently incarcerated in the Manhattan Detention Complex, brings this *pro se* action under 42 U.S.C. § 1983, alleging that on August 31, 2020, there was a fire in his cell, and that in response, the officers sprayed him with a fire extinguisher and with mace. Dkt. No. 2 at 4. By order dated November 24, 2020, Chief Judge McMahon granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*.¹ Dkt. No. 4. Plaintiff amended his complaint on December 21, 2020. Dkt. No. 14. Because that amended complaint was prepared before the City responded to the Court's *Valentin* order, the Court permitted Plaintiff to further amend his complaint and extended the deadline to February 5, 2021. Dkt. No. 24. The Court received Plaintiff's second amended complaint, dated January 29, 2021, on February 9, 2021. Dkt. No. 30.

The Clerk of Court is directed to notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Defendants City of


¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b)(1).

New York, Captain Moise, Officer Galvezvskiy, Officer Williams, Officer Ferraro, and Captain Gibson waive service of summons.

The Clerk of Court is further directed to mail a copy of this order and the complaint to the New York City Law Department at: 100 Church Street, New York, NY 10007.

SO ORDERED.

Dated: February 10, 2021



GREGORY H. WOODS
United States District Judge